

**STATE OF INDIANA – COUNTY OF SULLIVAN
IN THE SULLIVAN CIRCUIT AND SUPERIOR COURTS
LOCAL COURT RULES**

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SECTION I: CIVIL RULES OF PROCEDURE

LR77-TR79-1: District 7 Trial Rule 79(h) Local Reassignment Rules

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following Orders and Local Court Rule, effective *January 1, 2007*, and thereafter until further order:

SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

A. Sullivan Circuit Court: The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:

1. Juvenile;
2. Adoptions;
3. Guardianships;
4. Estates; and
5. Civil Commitments

B. Sullivan Superior Court: The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:

1. Small Claims;
2. Traffic Violations;
3. Infractions; and
4. Felony offenses charged under I.C. 9-30-5-3 and I.C. 9-30-5-4

C. Concurrent Jurisdiction: The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:

1. Civil;
2. Criminal Offenses;
3. Civil Venue;
4. Criminal Venue; and
5. Protective Orders

D. Random Case Assignment: Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between the Sullivan Circuit Court and the Sullivan Superior

Court. However, there are some instances in which random case assignment will not be conducted. Those exceptions are as follows:

1. Criminal Felony Case Assignment:
 - A. As stated in (B)(4), the Sullivan Superior Court shall have exclusive jurisdiction over all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4. The Clerk of the Courts will override the random case assignment process and assign all felony cases filed under I.C. 9-30-5-3 and I.C. 9-30-5-4 to the Sullivan Superior Court.
 - B. If a criminal non-support of a dependent child case is filed and a Sullivan Court has a pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Courts will override the random case assignment process and assign the criminal non-support case to the appropriate Court.
2. Criminal Misdemeanor Case Assignment: Random case assignment will be employed for all criminal misdemeanors filed. However, rather than a ratio of 50:50, the Clerk will assign these cases at a ratio of 75:25 with seventy-five percent (75%) of the criminal misdemeanor cases being filed in the Sullivan Superior Court and twenty-five percent (25%) of the criminal misdemeanor cases being filed in the Sullivan Circuit Court.
3. Companion Civil Filings: In the event two or more civil cause are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the Courts will then override the random case assignment process and assign any companion cases the same Court
4. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. If there is another criminal charge pending in either Court, the new criminal charge shall be filed in the same Court where charges are pending. When the new criminal charge is filed in the Court where additional criminal charges are pending,

the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.

E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.

F. Refilings: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.

G. Reassignment of Judges in Circuit Court: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Circuit Court: the Honorable Thomas E. Johnson, Sullivan Superior Court; the Honorable J. David Holt; Greene Superior Court; the Honorable Erik Chip Allen, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Circuit Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

H. Reassignment of Judges in Superior Court: The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Sullivan Superior Court: the Honorable P.J. Pierson, Sullivan Circuit Court; the Honorable J. David Holt; Greene Superior Court; the Honorable David K. Johnson, Greene Circuit Court; and the Honorable Jim R. Osborne, Knox Superior Court, Division II. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8, temporarily transfers the above judges to the Sullivan Superior Court for the purpose of reassignment of felony and misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the judges will be reassigned in consecutive order to the above noted judges.

I. Appointment of Special Judge: In the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, such presiding judge may request the Indiana Supreme Court for such appointment.

LR77-TR69-2: Second Motion For Proceeding Supplemental

The Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issues the following Order and Court Rule effective January 1, 2007:

The Court now Orders that any Plaintiff wishing to file a second Motion for Proceedings Supplemental must file and Affidavit for Filing of Second Proceedings Supplemental, which states the Plaintiff has knowledge the Defendant has assets, property, or income that can be used to satisfy the judgment. Said Affidavit shall include the name and address of Defendant's Employer, if known.

Failure of the Plaintiff to file said Affidavit, the Clerk is Ordered not to accept the filing of the Motion for Proceedings Supplemental.

LR77-TR53.5-3: Motion For Continuances

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following local Court Rule effective January 1, 2007, and thereafter until further order:

In order to expedite the setting of hearings and to eliminate the need for motions to continue hearings in all civil matters, the Courts hereby Order that all "Motions to Set Hearing" and "Motions to Continue" include dates at least sixty (60) days in the future that the party filing said motions will **not** be available. Also, when filing "Motions to Continue", the party requesting a continuance shall inform the Court whether the continuance is agreed to or objected to by the other party and include dates the opposing party is **not** available.

SECTION II: FAMILY LAW RULES

LR77-FL00-1 Statement Of Contested Issues

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following Orders and Local Court Rule, effective January 1, 2007, and thereafter until further order:

From this date forward, in all Contested Dissolution and Contested Post-Dissolution Modifications, or in any matter financially affecting the parties in the cause of action, the Court Orders the parties to file an exchange on or before five (5) days prior to the date of the Contested Hearing/Trial, a pleading entitled "STATEMENT OF CONTESTED ISSUES" which shall include the following information, as applicable:

1. An itemized statement of the parties' gross income from all sources per week.
2. An itemized statement of the parties' expenses per week.
3. A list of all properties, real and personal, that the parties possessed at the time of separation along with the parties' own value of each item.
4. A list of all properties, real and personal, that party is requesting the Court award to the Petitioner/Plaintiff, including the value of each item.
5. A list of all properties, real and personal, that the party is requesting the Court award to Respondent/Defendant, including the value of each item.
6. A list of all marital debts, including the balance of the debt, the name of the creditor, and the method of payment.
7. A list of the marital debts the party is requesting the Court Order the Petitioner/Plaintiff to assume, including the balance of the debt.
8. A list of the marital debts the party is requesting the Court Order the Respondent/Defendant to assume, including the balance of the debt.
9. If the parties have children, a statement regarding the parties' position on the issues of custody, support, and visitation. A proposed Child Support Worksheet should also be attached to the STATEMENT OF CONTESTED ISSUES.
10. Any other statement/explanation of property, income, and/or expenses that the party wishes for the Court to consider during the course of the Contested Hearing/Trial.

In the event that the parties or a party fails to file and exchange a STATEMENT OF CONTESTED ISSUES five (5) days prior to the date of the Contested Hearing/Trial, the Court in its discretion, will decide whether this cause shall be heard at the Contested Hearing/Trial scheduled or continued for not more than thirty (30) days or in accordance to the Judge's trial calendar.

This pleading must be verified by the party submitting the same.

LR77-FL00-2

Adoption Of Indiana Parenting Time Guidelines

The Indiana Supreme Court having issued an Order Adopting Parenting Time Guidelines on December 22, 2000, and upon review of said Parenting Time Guidelines, we, the undersigned Judges of Sullivan County, hereby adopt the Indiana Parenting Time Guidelines as written to be utilized in dissolution proceedings involving children filed in the Sullivan Circuit and Superior Courts.

SECTION 111: CRIMINAL LAW RULES

LR77-CR00-1

Bond Schedule

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, and the Presiding Magistrate of the Sullivan Circuit/Superior Courts, now issue the following Order, effective January 1, 2007, and thereafter until further Order:

The Courts now Order that the Bond Schedule for the Sullivan Circuit Court and the Sullivan Superior Court shall be as follows:

Class "A" Felony	\$50,000.00
Class "B" Felony	\$30,000.00
Class "C" Felony	\$15,000.00
Class "D" Felony	\$ 5,000.00
All Misdemeanor Offenses	\$ 3,000.00

The Court further Orders that in lieu of property of surety bonds in the face amount shown above, cash bonds in the amount of 10% of the amounts shown above will be accepted. **HOWEVER**, if a Criminal Defendant has posted a bond on a previous unrelated pending charge and is re-arrested, he/she shall not be entitled to post a second cash bond in the amount of 10% of the amounts shown above. Bond on the subsequent charges shall be set pursuant to this Bond Schedule without 10% cash allowed. Cash Bonds will only be accepted from the Defendant and said cash bonds will be treated as property of the Defendant.

It is the further Order of the Courts that all Criminal Defendants arrested without an arrest warrant shall be bonded to appear in the Sullivan Superior Court, Second Floor, Sullivan County Courthouse, Sullivan, Indiana, unless designated to appear otherwise by the Sullivan County Prosecutor.

The Court now directs the Sheriff of Sullivan County that in any case involving the offense of Battery or Domestic Abuse, that an additional term of the Criminal Defendant's cash or surety bond shall be that the Defendant have NO CONTACT with the victim.

All prior Bond Schedules are hereby deemed revoked.

LR77-CR00-2 Late Payment Fee

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following Local Court Rule, effective January 1, 2007:

- (1) If a Defendant is found, to have:
 - (A) committed a crime;
 - (B) violated a statute defining an infraction;
 - (C) violated an ordinance of a municipal corporation; or
 - (D) committed a delinquent act.
- (2) The defendant is required to pay:
 - (A) court costs, including fees;
 - (B) a fine; or
 - (C) a civil penalty.
- (3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.
- (4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
 - (A) The end of the business day on which the court enters the conviction or judgment.
 - (B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

The clerk of a court shall collect a late payment fee of twenty-five dollars (\$ 25) from the Defendant.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION IV: ADMINISTRATIVE RULES

LR77-AR15-1 Court Reporter Services

The Presiding Judge of the Sullivan Circuit Court, P.J. Pierson, and the Presiding Judge of the Sullivan Superior Court, Thomas E. Johnson, now issue the following local Court Rule, effective January 1, 2007:

SECTION ONE: COURT REPORTER SERVICES

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including, but not limited to preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a Court Reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
- (5) Recording means the electronic, mechanical, stenographic, or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (9) Work week means a seven day consecutive day week that consistently begins on Sunday and ends on the following Saturday.
- (10) Court means the particular court for which the Court Reporter performs services. Court may also mean all of the courts in Sullivan County.

- (11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
- (14) Expedited transcript means a transcript which has been requested to be completed within fourteen (14) days.

SECTION TWO: Salaries and Per Page Fees

- (1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours, or overtime hours. The supervising court may enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours.
- (2) The standard per page fee a Court Reporter may charge for the preparation of a county indigent transcript shall be \$4.75; the Court Reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The standard per page fee a Court Reporter may charge for the preparation of a state indigent transcript shall be \$4.74.
- (4) The standard per page fee a Court Reporter may charge for the preparation of a private transcript shall be \$4.75.
- (5) The maximum per page fee a Court Reporter may charge for the preparation of an expedited transcript shall be Eight Dollars (\$8.00); and an additional \$3.00 per page fee where the transcript must be prepared within 3 working days.
- (6) The standard per page fee a Court Reporter may charge for the copy of a transcript shall be one-half (1/2) of the cost of the original transcript.
- (7) Pursuant to T.R. 74(A)(C) as a requirement of a Court Reporter's job to prepare transcripts, the Court Reporter shall be allowed to use all equipment, work space and supplies provided for all regular duties required of the Court Reporter. Reimbursement for use of equipment, work space and supplies shall be limited to private practice.
- (8) Each Court Reporter shall report, at least on an annual basis, all transcript fees received for preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

SECTION THREE: Private Practice

If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, the Court Reporter may elect to perform such private practice work outside of regular working hours and on private equipment and shall pay no fees to the County. However, if the Court Reporter elects to use court equipment for such purposes, the Court Reporter shall reimburse the court for the use of the equipment, work space, and supplies at the rate of five cents (\$.05) per page.